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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3193 OF 2018

Mohd. Anis S/o Idris Mohammed KhanApplicant

V/s.

The State of MaharashtraRespondent

Smt. Raj Dulari Arora advocate for the applicant

Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 21, 2019.

P.C.

Applicant is seeking regular bail in Crime No. I- 112/2015 registered with Palghar Police Station for offence punishable under sections 376, 376-D of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2 Earlier bail application came to be rejected on 15/11/2016 by this Court.

3 In the aforesaid background, the learned counsel for the

applicant submits that applicant, since is not declared as biological father, as could be inferred from DNA report, applicant is entitled to be released.

4 Upon perusal of the charge-sheet what could be noticed is, in a statement recorded under section 161 and 164 of the Code of Criminal Procedure, 1973, applicant is specifically named as the person who has carried out heinous act of rape on a minor girl. Even if DNA report is against the applicant, this Court cannot be a mute spectator to the fact that the victim girl has given birth to child.

5 Apart from above, there are no change in circumstances after rejection of the application on 15/11/2017 when the DNA report is prior to the said rejection.

6 Applicant is non committal as regards provisions to be made for maintenance of the child born out of relationship. That being so, application fails, stands rejected.

[NITIN W. SAMBRE, J.]